THE HON'BLE SRI JUSTICE B.PRAKASH RAO

AND

THE HON'BLE DR.JUSTICE G.YETHIRAJULU

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WRIT APPEAL NO.1082 OF 2005

AND

WRIT APPEAL No.1694 of 2005

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(DATED 05.09.2005)

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Between:

The Management of Singareni Collieries Co. Ltd.,

Srirampur, Adilabad District rep. by its Company Secretary

…Appellant/

Petitioner

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A n d

Industrial Tribunal –I, Chandra Vihar

M.J.Road, Hyderabad & Others

….Respondents

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THE HON'BLE SRI JUSTICE B.PRAKASH RAO

AND

THE HON'BLE DR.JUSTICE G.YETHIRAJULU

WRIT APPEAL NO.1082 OF 2005

AND

WRIT APPEAL (SR) No.22580 of 2004

COMMON JUDGMENT: (Per Hon'ble Sri Justice B.Prakash Rao)

Heard learned Senior Counsel appearing on behalf of the appellant and Sri

G.Vidya Sagar, learned counsel appearing on behalf of respondent No.2. Since these two appeals arise out of the same proceedings, they are being taken up together for disposal.

The appellant, who happens to be the writ petitioner, seek to assail the Award passed by the first respondent, wherein a reference was made under Sections 10(1) (d) & 2(A) of the Industrial Disputes Act, 1947, in pursuance of which, an award was passed setting aside the order of dismissal dated 16.9.1983. However, having regard to the nature of allegations, vis-à-vis, the punishment imposed, it was held that the same is disproportionate to the gravity of the misconduct alleged against the workman. Ultimately, it was held that the action of the management in terminating the services of the petitioner is unjustified and therefore, he is entitled to be reinstated with full back wages and all other attendant benefits.

Initially, a writ petition in W.P.No.17357 of 1993 was filed against the order dated 2.11.1993 closing the evidence of the petitioner-management and ultimately after passing of final order, the other writ petition in W.P.No.8040 of 1994 came to be filed.

The learned single Judge of this Court after considering the respective submissions did not find favour with the submissions made on behalf of the appellant and dismissed the writ petition. Hence the appeals.

After hearing the learned counsel on either side and also on perusal of the material, it is seen that the principal allegation made against the workman is that he was unauthorizedly absent for a period of ten days. Considering the respective submissions, the Industrial Tribunal opined that the punishment of termination of the services of the workman is wholly disproportionate to the misconduct alleged. This Court also agrees with the same. Even taking a second look at the allegations made, we are totally in entire agreement with the findings of the learned single Judge and hold that the punishment imposed on the workman is quite unjustified.

In view of the same, we do not find any merits in either of the Appeals. The Writ Appeals are accordingly dismissed. No costs.

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B.PRAKASH RAO, J

Dr. G.YETHIRAJULU, J

5th September 2005

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